

REMARKS

Claims 1, 2, 4 and 6-24 were pending in the application. Claims 16 and 18 have been amended. Claim 16 has been amended to depend from claim 15 and claim 18 has been amended to depend from claim 17. No claims have been canceled or added. Therefore, claims 1, 2, 4 and 6-24 are now pending in the application. Reconsideration of the application is requested for at least the reasons that follow.

The Examiner's approval of the drawings filed May 21, 2004 is appreciated.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claim 18 has been amended to depend from claim 17. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1, 2, 4, 6-11 and 15-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,556,129 ("Coman"). In addition, claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coman. The rejections should be withdrawn because Coman does not disclose, teach or suggest the claimed invention. For example, Coman does not disclose, teach, or suggest a retaining device for an airbag module having "a receiving region adapted to be connected to at least a portion of an air-bag module" as recited in claim 1.

The Office Action states that the bolster frame 229 of Coman is a retaining device for an airbag canister 243 and that an opening 237 in an inner bolster face 235 (shown in Fig. 9) is a receiving region adapted to be connected to the airbag canister 243. *See* Office Action at p. 2. The Office Action asserts that the opening 237 and the airbag canister 243 are connected "in that they are touching each other and both are connected to element 246." Office Action at p. 2. On the contrary, Coman does not teach or suggest that the bolster frame 229 and the airbag canister 243 are "adapted to be connected" as called for in claim 1. In contrast, the airbag canister 243 is attached to an upright side leg 246 of a seat back frame 244. *See* Coman at col. 5, lines 51-52. As shown in Figs. 9 and 10 of Coman, the bolster frame 229 is installed over the airbag canister 243 and is attached to the seat back frame 244 by a pair of hooks 245, 247 and a fastener 255. *See* Coman at col. 5, line 60 to col. 6, line 3;

col. 6, lines 15-19. Thus, the bolster frame 229 and the airbag canister 243 are each connected to the seat back frame 244 and not to one another as called for in claim 1.

The Office Action further contends that “adapted to be connected” in claim 1 is functional language and thus “does not constitute a limitation in any patentable sense.” Office Action at pp. 2-3. On the contrary, it is improper to ignore a functional limitation. “A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.” MPEP 2173.05(g). Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

In addition, Coman does not disclose, teach or suggest a “retaining device for an airbag module” as called for in claim 1. The Office Action argues that the bolster frame (229) of Coman is a retaining device. On the contrary, the bolster frame (229) is merely a hollow body “which engages the foam pad 219 of the seat back.” Coman at col. 5, lines 47-49. The bolster frame (229) does not retain the air bag module, but is merely “placed over the air bag canisters.” Coman at col. 5; Figs. 8 and 9. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2, 4, 6-19 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims. For example, Coman does not disclose, teach or suggest “the receiving region [including] at least one opening via which the portion of the air-bag module can be fastened to the retaining device,” as called for in claim 7. Coman merely discloses a bolster 229 with openings 237, 239. The bolster 229 is not “fastened” to the airbag module.

Independent claim 20 contains recitations similar to claim 1. For example, claim 20 calls for “a retaining device connected to at least a portion of an air-bag module.” As described above, Coman fails to disclose, teach or suggest this element. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 21-24 depend from claim 20 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Claims 1, 2, 4, 6-13 and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,533,550 ("Karlow") in view of U.S. Patent No. 5,951,046 ("Hosoda") or Coman. The rejection of independent claims 1 and 20 should be withdrawn because a prima facie case of obviousness has not been made. The references, taken together or separately, do not disclose, teach or suggest the claimed invention. For example, none of the references disclose, teach or suggest a "retaining device for an airbag module comprising ... at least one hook." The Office Action acknowledges that Karlow does not disclose a hook as called for in claims 1 and 20. In addition, as discussed above, Coman does not disclose, teach or suggest a "retaining device for an airbag module." Hosoda, which is directed to a seat belt adjuster clearly does not disclose a "retaining device for an airbag module."

Furthermore, it would not have been obvious to modify the air cushion mounting bracket 44 of Karlow to include the hooks 245, 247 disclosed in Coman (Coman at col. 60-63) or the locking portion 5 disclosed in Hosoda (Hosoda at Fig. 5). The Office Action asserts that the hooks 245, 247 would be added to the bracket 44 of Karlow so that installation of the mounting bracket 44 would be easier. See Office Action at p. 5. The airbag module 10 of Karlow is mounted to the seat frame by two screws engaging with openings 58. See Karlow at Fig. 2. If the hooks 245, 247 of Coman are added to Karlow, it does not appear to make installation easier. There is no evidence in Coman that the hooks simplify installation. Furthermore, there is no evidence that the fasteners of Karlow are more complicated or more difficult to install than the hooks 245, 247 and fastener 255 combination of Coman. Rather, any additional hooks to Karlow would complicate the installation. In addition, there would have been no motivation to modify Karlow with Hosoda. Hosoda is directed to an adjuster 1 for adjusting the belt anchor position of a seat belt whereas Karlow is directed to an airbag module. Therefore, one of ordinary skill in the art would not look to the teachings of Hosoda to modify Karlow. Therefore, reconsideration and withdrawal of the rejections is respectfully requested.

Claims 2, 4, 6-13, 15-19 and 21-24 depend from claims 1 and 20 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 3/29/05

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5490
Facsimile: (202) 672-5399

Howard N. Shipley
Attorney for Applicant
Registration No. 39,370